

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

IN THE BANKRUPTCY MATTER OF:

Krzysztof Marek

Debtor

Chapter 7 No. 17-27140

Judge LaShonda A. Hunt

**NOTICE OF MOTION FOR RELIEF FROM AUTOMATIC STAY**

To:	Krzysztof Marek	Gregg Szilagyi	Chad B Mizelle
	6733 W Irving Park Rd Apt	542 South Dearborn Street	The Semrad Law Firm LLC
	2c	Suite 1400	20 S. Clark St., Ste. 2800
	Chicago, IL 60634	Chicago, IL 60605	Chicago, IL 60603

PLEASE TAKE NOTICE that on October 25, 2017 at 10:00 a.m., or as soon thereafter as counsel may be heard, I shall appear before the Honorable LaShonda A. Hunt in Room 719, Dirksen United States Courthouse, 219 South Dearborn Street, Chicago, IL 60604, and present the attached motion, at which time and place you may appear if you wish.

/s/ Ross T. Brand

Ross T. Brand

**PROOF OF SERVICE**

I, the undersigned, an attorney, certify that I served the Debtor by regular mail at the address above, and Chad B Mizelle and Gregg Szilagyi through the Court ECF system on or before 09/20/2017.

/s/ Ross T. Brand

Ross T. Brand ARDC# 6294886

Kluever and Platt, LLC  
65 E. Wacker Pl., Ste. 2300  
Chicago, IL 60601  
(312) 201-6670  
Our File #: SPSB.2346

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**MOTION FOR RELIEF FROM AUTOMATIC STAY**

DLJ Mortgage Capital, Inc., (“Movant”) hereby moves this Court, pursuant to 11 U.S.C. §362, for relief from the automatic stay with respect to certain real property of the Debtor having an address of 6733 W Irving Park Rd #2C, Chicago, IL 60634 (the “Property”). In further support of this Motion, Movant respectfully states:

1. Debtor filed a petition under Chapter 7 of the United States Bankruptcy Code on 9/11/2017.
2. The Debtor has executed and delivered or is otherwise obligated with respect to that certain promissory note in the original principal amount of \$110,400.00 (the “Note”). A copy of the Note is attached hereto.
3. Pursuant to that certain Mortgage (the “Mortgage”), all obligations (collectively, the “Obligations”) of the Debtor under and with respect to the Note and the Mortgage are secured by the Property. A copy of the Mortgage and assignments, if any, are attached hereto.
4. DLJ Mortgage Capital, Inc. is an entity who has the right to foreclose the Mortgage.
5. Select Portfolio Servicing, Inc. services the loan on the Property referenced in this Motion.

6. As of 09/14/2017, the outstanding amount of the Obligations is: \$94,010.78.

7. The estimated market value of the Property is \$98,907.00. The basis for such valuation is Debtor's Schedule D.

8. Upon information and belief, the aggregate amount of encumbrances on the Property listed in the Schedules or otherwise known, including but not limited to the encumbrances granted to Movant, is \$112,402.78

9. Cause exists for relief from the automatic stay for the following reasons:

(a) Pursuant to 11 U.S.C. § 362(d)(1), Movant's interest in the Property is not adequately protected.

(b) There is no equity in the Property available for distribution from the bankruptcy estate over and above that exempted by law.

WHEREFORE, Movant prays that this Court issue an Order terminating or modifying the stay and granting the following:

1. Relief from the stay allowing Movant (and any successors or assigns) to proceed under applicable non-bankruptcy law to enforce its remedies to foreclose upon and obtain possession of the Property.

2. That the 14-day stay described by Bankruptcy Rule 4001(a)(3) be waived.

3. For such other relief as the Court deems proper.

DLJ Mortgage Capital, Inc.

/s/ Ross T. Brand

Ross T. Brand ARDC# 6294886  
Counsel for Movant

Date: 09/20/2017

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